

# STATE LEGISLATIVE FACT SHEET

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## REPEAT INTOXICATED DRIVER LAWS

### **Key Facts**

Motor vehicle crashes are the leading cause of death for Americans ages 5 through 29 and motor vehicle crash injuries are a major health care problem in the U.S. Alcohol-related crashes are a substantial portion of this problem.

- Alcohol was involved in 38 percent of fatal crashes and 7 percent of all crashes in 1998.
- The economic cost of alcohol-involved crashes is approximately \$45 billion per year (based on 1994 figures).
- Every 33 minutes, someone is killed in an alcohol-related crash.
- Impaired driving is the most frequently committed violent crime in the U.S.
- About one-third of all drivers arrested or convicted of driving while intoxicated or driving under the influence of alcohol (DWI/DUI) are repeat offenders.
- Drivers with prior DWI/DUI convictions are over represented in fatal crashes and have a greater relative risk of involvement in a fatal crash.

In 1998, as part of the Transportation Equity Act for the 21st Century (TEA-21) Restoration Act, a new Federal program was established to encourage States to address the problem of the repeat intoxicated driver.

### **Laws that Address the Repeat Intoxicated Driver**

Many States have enacted laws focusing on the repeat intoxicated driver in four general categories:

- **Licensing Sanctions:** Many states suspend or revoke the license of repeat intoxicated drivers for a greater period of time than they do for first offenders.
- **Vehicle Sanctions:** Some states impound or immobilize the vehicles of repeat intoxicated drivers; some require the installation of an ignition interlock system on their vehicles (which prevents a vehicle from starting if the driver's blood alcohol concentration is a set threshold).
- **Addressing Alcohol Abuse:** Some states require that repeat intoxicated drivers undergo an assessment of their degree of alcohol abuse and/or undergo appropriate treatment.
- **Mandatory Sentencing:** Some states impose a mandatory minimum imprisonment and/or community service sentence on repeat intoxicated drivers.

### **Effectiveness of Repeat Intoxicated Driver Laws**

Research has shown that driver licensing sanctions have a significant impact on the problem of impaired driving. Licensing sanctions imposed under state administrative licensing revocation systems have resulted in reductions in alcohol-related fatalities of between 6 and 9 percent. Illinois, New Mexico, Maine, North Carolina, Colorado and Utah have seen significant reductions in alcohol-



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related fatal crashes following the implementation of administrative license revocation procedures, according to a NHTSA study. License sanctions prevent a substantial portion of repeat DWI offenders from driving. Many who continue to drive with a suspended license drive infrequently or more carefully. For more information about license sanctions, see NHTSA *State Legislative Fact Sheet-Administrative License Revocation*.

A variety of vehicle sanction programs have been used successfully. California's vehicle impoundment program resulted in substantially fewer subsequent offenses, convictions and crashes for repeat offenders in the program (which included non-DWI/DUI offenses) compared to a control group of repeat offenders. One study of interlock devices in Maryland found that participation in an interlock program decreased the risk of DWI/DUI recidivism by 65 percent. Vehicle sanctions prevent many repeat DWI offenders from driving by either separating them from their vehicles or requiring them to be sober when they drive. For more information about vehicle sanctions, see NHTSA *State Legislative Fact Sheet-Vehicle and License Plate Sanctions*.

Programs that focus on the individuals' alcohol-related behavior have also experienced success. Milwaukee's Intensive Supervision Probation program, which includes monitoring of behavior, reduced recidivism by more than 50 percent (from 11 percent to 55 percent). A study of a DWI facility in Prince George's County, Maryland, which was self-sufficient (residents paid for their stay) showed that its recidivism rate over five years was 8 percent, compared to 35 percent for other programs.

### **Section 164 of the TEA-21 Restoration Act**

Section 164 of the Transportation Equity Act for the 21st Century (TEA-21) Restoration Act requires that states have certain repeat intoxicated driver laws in place by October 1, 2000. States without these laws will have a portion of their Federal-aid highway construction funds redirected into other state safety activities, beginning in Fiscal Year 2001. The redirected monies will go to the state's Section 402 highway safety program to be used for alcohol-impaired driving countermeasures or for enforcement of anti-drunk driving laws, or to the state's hazard elimination program under Section 152.

To comply with Section 164, the state's laws regarding second and subsequent convictions for driving while intoxicated or driving under the influence of alcohol (DWI/DUI) *must*:

- require a minimum one-year driver's license suspension for repeat intoxicated drivers;
- require that all motor vehicles of repeat intoxicated drivers be impounded or immobilized for some period of time during the license suspension period, or require the installation of an ignition interlock system on all motor vehicles of such drivers for some period of time after the end of the suspension;
- require mandatory assessment of repeat intoxicated drivers' degree of alcohol abuse and referral to treatment as appropriate; and
- establish a mandatory minimum sentence for repeat intoxicated drivers:
  - of not less than five days of imprisonment or 30 days of community service for the second offense; and
  - of not less than 10 days of imprisonment or 60 days of community service for the third or subsequent offense.

Under the program, a repeat intoxicated driver is defined as a driver convicted of driving while intoxicated or driving under the influence of alcohol more than once in any five-year period. Thus, states must maintain records on driving convictions for DWI/DUI for at least five years.

To avoid the transfer of funds, states must certify that their laws comply with each of the criteria specified above.

The redirection amount for states not in compliance in Fiscal Years 2001 and 2002 will be 1.5 percent of certain state Federal-aid highway construction funds. The redirection amount for Fiscal Year 2003 and subsequent years will be 3 percent.

### **Information Sources**

*State Legislative Fact Sheet-Vehicle and License Plate Sanctions*. NHTSA, January 2000.

*State Legislative Fact Sheet-Administrative License Revocation*. NHTSA, January 2000.

Beck, Kenneth H., et al. *Effects of Alcohol Ignition Interlock License Restrictions on Multiple Alcohol Offenses: A Randomized Trial in Maryland*. American Journal of Public Health, Vol 89, No.11, 1696-1700 (November 1999)

"California Impounds The Vehicles of Motorists Caught Driving Without A Valid License." *Traffic Tech*, No. 180, July 1998.

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***These reports and additional information are available from your State Highway Safety Office, the NHTSA Regional Office serving your state, or from NHTSA Headquarters, Traffic Safety Programs, ATTN: NTS-11, 400 Seventh Street, S.W., Washington, DC 20590; 202-366-9588; or NHTSA's website at [www.nhtsa.dot.gov](http://www.nhtsa.dot.gov)***